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October 26, 2023

By ECF

The Hon. Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

***Re: United States v. Mustafa Kamel Mustafa,
04 Cr. 356 (AT)***

Dear Judge Torres:

The defense writes to provide this Court with an update on the status of this case, and to propose a revised filing date of **November 30, 2023**, for the motion for compassionate release/reduction in sentence, which Sam Schmidt and I will be filing on Mr. Mustafa's behalf.

As discussed in the undersigned's letter, dated, September 8, 2023, Mr. Schmidt and I have focused our present attention on the preparation of a motion for compassionate release/reduction in sentence, which we had proposed to file by October 31, 2023, and have asked Sabrina Schroff to transfer her attention to Mr. Mustafa's 2255 petition, which remains held in abeyance.¹ The motion for compassionate release/reduction in sentence is substantially complete, and a draft has been mailed to Mr. Mustafa for review and comment, however, we have not yet heard back from Mr. Mustafa and we do not expect to prior to October 31, 2023.

The earliest date I was able to schedule for a legal call with Mr. Mustafa to review the motion with him is November 8, 2023. As a result, November 30, 2023, would be a very realistic revised target date for our filing. This should give Mr. Mustafa plenty of time to review our motion and send us any edits or suggestions that he has or provide us with his input when we speak to him over the telephone.

¹ In our September 8, 2023, letter, we requested that Mr. Mustafa's 2255 petition remain in abeyance until after the motion for compassionate release/reduction in sentence has been decided. Doing so will conserve considerable judicial resources and allow both parties to manage their time more effectively. The Government continues to have no objection to this request.

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I have spoken with Assistant United States Attorney Alexnader Li, and he has informed me that the Government has no objection to this revised schedule. Once filed the defense will consent to whatever reasonable period of time that the Government needs to complete its response, including the avoidance of the December holidays.

Thank you for your time, continued patience, and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBR', with a long horizontal flourish extending to the right.

Michael K. Bachrach

Attorney for Mustafa Kamel Mustafa

cc: All parties of record (by ECF)